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In Memory of Ben Zion Netanyahu

Perhaps the most fitting way to remember Ben Zion Netanyahu, prolific historian, father of the Prime Minister and of Entebbe hero, Yoni - is Article 80, protecting the right of Jewish settlement in Palestine.

Contact Editor Eli E. Hertz, 06/05/12 08:49



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Arutz Sheva joins in this expression of appreciation in memory of renowned scholar and great Zionist, Professor Ben Zion Netanyahu, and sends Prime Minister Binyamin Netanyahu and family the traditional Jewish words of comfort "in the midst of the mourners of Zion and Jerusalem".

Nearly ten years ago, while researching and studying the hundred years of modern Zionism, I came across writings of Professor Eugene Rostow, the past Dean of Yale Law School (1955-66) and a key draftee of the UN Resolution 242.

Professor Rostow was an expert in international law and more specifically the Mandate for Palestine. The Mandate granted Jews the irrevocable right to settle anywhere in Jewish Palestine, the area between the Jordan River and the Mediterranean Sea, a right unaltered in international law and valid to this day.

This right of Jews is protected by Article 80 of the United Nations Charter. The Article recognizes the continued validity of the rights granted to all states or peoples, or already existing international instruments including those adopted by the League of Nations.

It is interesting to learn how Article 80 made its way into the UN Charter.

Professor Rostow recalls:

"I am indebted to my learned friend Dr. Paul Riebenfeld, who has for many years been my mentor on the history of Zionism, for reminding me of some of the circumstances which led to the adoption of Article 80 of the Charter. Strong Jewish delegations representing differing political tendencies within Jewry attended the San Francisco Conference in 1945. Rabbi Stephen S. Wise, Peter Bergson, Eliahu Elath, **Professor Ben-Zion Netanyahu** and A. S. Yehuda, and Harry Selden were among the Jewish representatives. Their mission was to protect the Jewish right of settlement in Palestine under the mandate against erosion in a world of ambitious states. Article 80 was the result of their efforts."

Let us all follow in the footsteps of a great Zionist, the late Professor Ben-Zion Netanyahu.

(Article 80 of the UN Charter, once known unofficially as the Jewish People's clause, preserves intact all the rights granted to Jews under the Mandate for Palestine, even after the Mandate's expiry on May 14-15, 1948. Under this provision of international law, Jewish rights to Palestine and the Land of Israel were not to be altered in any way unless

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expired and the State of Israel was proclaimed. No agreement of this type was made during this relevant three-year period, , those Jewish rights that had existed under the Mandate remained in full force and effect, to which the UN is still committed by Article 80 to uphold, or is prohibited from altering.

As a direct result of Article 80, the UN cannot transfer these rights over any part of Palestine, vested as they are in the Jewish People, to any non-Jewish entity, such as the "Palestinian Authority." Among the most important of these Jewish rights are those contained in Article 6 of the Mandate which recognized the right of Jews to immigrate freely to the Land of Israel and to establish settlements thereon, rights which are fully protected by Article 80 of the UN Charter.

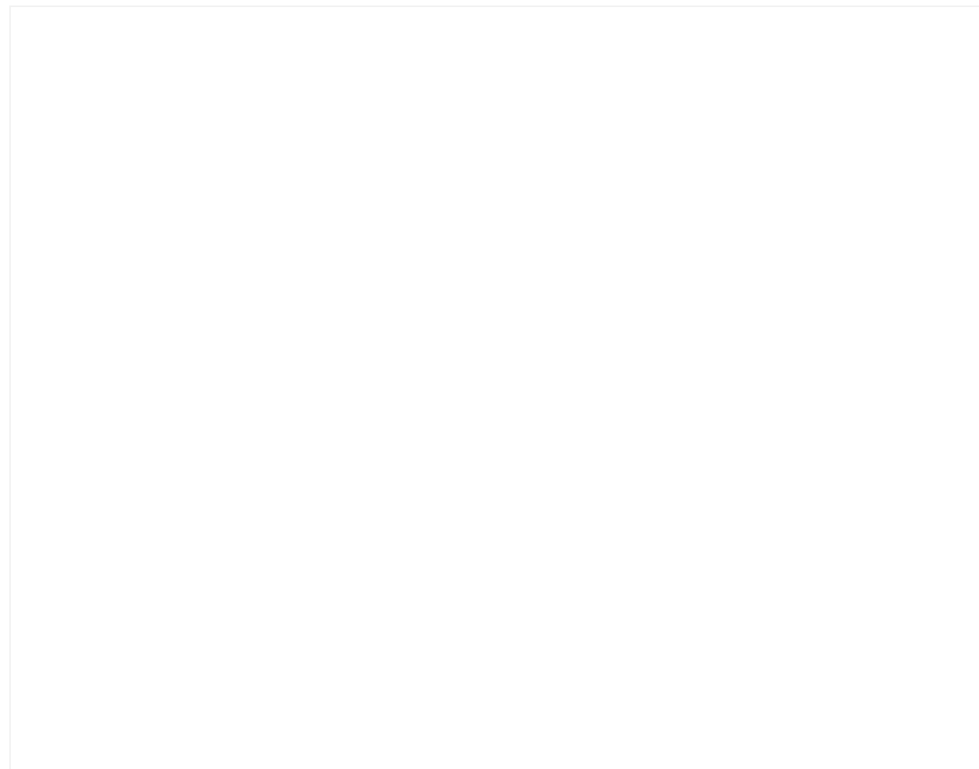
It should be common knowledge that under the Mandate, all of Palestine was reserved exclusively for the establishment of the Jewish National Home and future independent Jewish State, as was previously decided at the San Remo Peace Conference that took place in April 1920. Or put another way, no part of Palestine was allotted for an Arab National Home or state, since Arab self-determination was being generously granted elsewhere – in Syria, Iraq, Arabia, Egypt and North Africa – which has led to the establishment of the 21 Arab states of today, over a vast land mass from the Persian Gulf to the Atlantic Ocean. [Howard Grief, Article 80 and the UN Recognition of a Palestinian State](#))

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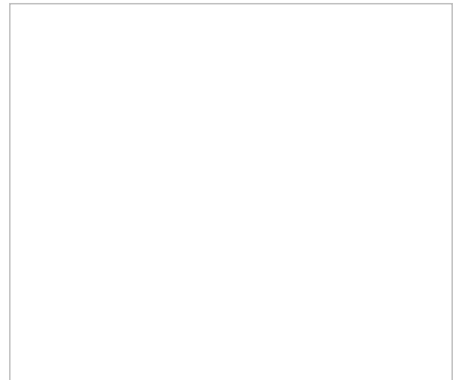
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